

## REMARKS

Claims 1-8 and 10-13 are pending in this application. Claims 1, 11 and 12 are independent.

All claims (1-8 and 10-13) stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over US Patent Number 6,377,987, issued to James E. Kracht on February 4, 2003 (hereafter “Kracht”) in view of US Patent Publication 2002/0124079, filed by Eric Pulsipher on March 2, 2001 (hereafter “Pulsipher”).

### **Claim Rejections - 35 U.S.C. § 103**

Claims 1-8 and 10-13 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Kracht in view of Pulsipher. Applicants respectfully traverse this rejection.

Claim 1 is distinct from the combination of Kracht and Pulsipher because the claim term “if the type of each discovered network device on the branch is determined to be a non-connecting network device, inferring that an undiscovered connecting device is present on the branch” is missing from the combination.

As discussed in the responses to previous Office Actions and as noted in the latest Office Action a IV.a, second paragraph, Kracht does not “teach if the type of each discovered network device on the branch is determined to be a non-connecting network device.” As a result, the Office Action looks to Pulsipher for this term.

Pulsipher’s teachings make the inference that there is a layer-2 device when there are multiple addresses detected on a port. See Pulsipher at [0022]:

**[0022]** If the identified port has been identified as a single point-to-point connection, and there are multiple addresses detected on that port, there may be an inference that there is a layer-2 only addressable device connecting the remote network device of the identified port with the devices of each address heard. Otherwise, if the identified port has been identified as a single point-to-point connection, and there is only one address detected, this is an inference is made that there are no intervening devices.

However, claim 1 looks beyond the point-to-point connection to see what devices can be identified beyond the unknown connection. Only if all of the devices are non-connecting network devices is a determination made that there is an undiscovered connecting device. Pulsipher does not make the distinction on the type of device on the other end of the connection. He only looks to see if there is an address, and he does not make the determination of what is at that address. His teachings treat a non-connecting network device the same as another switch or router. This is very different from the text of claim 1, where the device at the other end of the connection is important.

Claims 2-8 and 10 depend upon claim 1 and are distinct for the reasons enumerated above.

Claims 11-13 also make the determination of a distinction based upon the types of nodes at the other end of a connection, in contrast to the combination of Kracht and Pulsipher, and are therefore allowable for the same reasons.

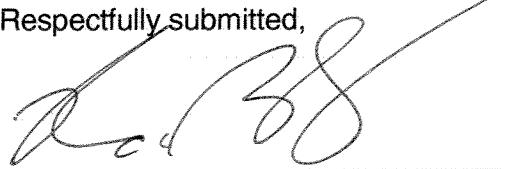
Therefore, this element of claims 1-8 and 10-13 is missing from the combination of Kracht and Pulsipher, and is not obvious. Applicant's request that the rejection of claims 1-8 and 10-13 under 35 U.S.C. § 103(a) be withdrawn.

#### CONCLUSION

The pending claims define subject matter that is not described by the combination of Kracht with Pulsipher. The application is in condition for allowance. Applicants respectfully request that the Examiner reconsider and withdraw her rejections, and promptly allow this patent application to issue.

The commissioner is authorized to charge deposit account 503650 for any fees associated herein.

Respectfully submitted,



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